

# Local Law Filing

(Use this form to file a local law with the Secretary of State.)

Text of law should be given as amended. Do not include matter being eliminated and do not use italics or underlining to indicate new matter.

County    City    Town    Village  
(Select one.)

of Niagara

Local Law No. 3 of the year 2023

A local law Entitled " Operation of Off-Road Vehicles on Public Highways in Niagara County."  
(Insert Title)

Be it enacted by the Niagara County Legislature of the  
(Name of Legislative Body)

County    City    Town    Village  
(Select one.)

of Niagara as follows:

## Section 1. Purpose

The use of off-road vehicles on public highways are a threat to the safety of pedestrians, motorists and bicyclists, as well as the fact that many off-road vehicle operators and passengers are not equipped with proper protective gear. Law enforcement has requested assistance from the Legislature, in the form of a local law giving law enforcement the power to impound illegally operated off-road vehicles. The safety, health and welfare of the residents of Niagara County is furthered by curtailing the illegal and unsafe use of off-road vehicles on public highways.

## Section 2. Definitions

1. Off-Road Vehicle. Includes All-Terrain Vehicles (ATVs) as defined in Section 2281(1) of the New York State Vehicle and Traffic Law, all off-highway motorcycles as defined by Section 125-a of the New York State Vehicle and Traffic Law, and motocross and dirt bikes, dune buggies, go-carts, and any and all other types of motorized trail bikes or vehicles with a primary intention for off-road use but not including non-motorized bikes.
2. Operate. To ride in or on, other than as a passenger, or use or control the operation of an off-road vehicle in any manner regardless of if said off-road vehicle is underway.
3. Public Highway. Any highway, road, alley, street, avenue, public place, public driveway, or any other public way.

(If additional space is needed, attach pages the same size as this sheet, and number each.)

### Section 3. Unlawful Conduct and Hazardous Operation of Off-Road Vehicles

1. Unless otherwise permitted by Article 48-c of the New York State Vehicle and Traffic Law or other applicable law, it shall be unlawful to operate an off-road vehicle on any public highway in Niagara County.
2. No person shall operate an ATV or any vehicle on the roadways of Niagara County unless it is covered by liability insurance; nonetheless, said ATV, or any vehicle that is not street legal may be operated by authorized government officials in furtherance of their official duties.

### Section 4. Operation of Off-Road Vehicles in County Parks

1. The Niagara County Parks Policy, adopted by the Niagara County Legislature on June 2, 2008, specifically Section XXXVI of said policy shall continue to govern the use of off-road vehicles in Niagara County Parks.

### Section 5. Required Protective Gears:

Operators and passengers must wear a United States Department of Transportation (USDOT) approved helmet while riding an ATV.

### Section 6. Penalties

1. In addition to any other applicable penalties permitted by law, a police officer or peace officer may immediately impound any off-road vehicle that has been operated in breach of Section 3 and Section 5 of this local law.
2. Any off-road vehicle impounded pursuant to this section shall be stored pursuant to the policies and procedures of the pertinent law enforcement agency pending identification of the owner.
  - a. Proof of Ownership. Acceptable proof of ownership are:
    - i. For a new off-road vehicle-the Manufacturer's Certificate or Statement of Origin (MCO or MSO), an out-of-state title certificate or registration certificate; or
    - ii. For a used off-road vehicle-a completed "certification of Sale or Transfer" (MV-51) plus the MCO or MSO; or a New York State transferrable registration signed over to the current operator by the previous owner;
    - iii. If an off-road vehicle has never been registered and current operator/owner do not have these acceptable documents, one must complete and submit a "Statement of Ownership" through the Department of Motor Vehicle (MV 51B)
      1. Law Enforcement shall record the Vehicle Identification Number (VIN) and provide the same to the alleged owner upon request.
  - b. Off-Road Vehicles Without Required Registration
    - i. If registration of off-road vehicle is not so required, other indicia of ownership may be utilized to identify the proper off-road vehicle owner
3. Such owner shall be sent notice of such impoundment by certified mail within five days after the impoundment.
4. The law enforcement agency shall not be liable for any damages arising out of the provision of an erroneous name or address of such owner.
5. The owner of the impounded off-road vehicle may redeem the same upon satisfactory proof of ownership and payment of a redemption fee of \$250 to the impounding police department if it is the first time such vehicle has been impounded pursuant to this Local Law or \$1000 if such vehicle has

previously been impounded pursuant to this Local Law. Such impounded off-road vehicle may only be released to the owner of the off-road vehicle or to his or her agent as evidenced by a written, notarized agreement or duly executed power of attorney.

6. At no time shall this Local Law apply to the operation of an off-road vehicle as an emergency vehicle by any authorized emergency, police or civil department.

#### Section 9. Severability

If any clause, sentence, paragraph, subdivision, section or part of this Local Law or the application thereof to any person, individual, corporation, firm, partnership, entity, or circumstance shall be adjudged by any court of competent jurisdiction to be invalid or unconstitutional, such operation to the clause, sentence, paragraph, subdivision, section or part of this Local Law, or in its application to the person, individual, corporation, firm, partnership, entity or circumstance directly involved in the controversy in which such order or judgment shall be rendered.

#### Section 10. Effective Date

This Local Law shall be effective upon its filing with the New York State Secretary of State in accordance with Section 27 of the Municipal Home Rule Law.

(Complete the certification in the paragraph that applies to the filing of this local law and strike out that which is not applicable.)

**1. (Final adoption by local legislative body only.)**

I hereby certify that the local law annexed hereto, designated as local law No. 3 of 2023 of the (County)(City)(Town)(Village) of Niagara was duly passed by the Niagara County Legislature on May 16 2023, in accordance with the applicable provisions of law.  
*(Name of Legislative Body)*

**2. (Passage by local legislative body with approval, no disapproval or repassage after disapproval by the Elective Chief Executive Officer\*.)**

I hereby certify that the local law annexed hereto, designated as local law No. \_\_\_\_\_ of 20\_\_\_\_ of the (County)(City)(Town)(Village) of \_\_\_\_\_ was duly passed by the \_\_\_\_\_ on \_\_\_\_\_ 20\_\_\_\_, and was (approved)(not approved) (repassed after disapproval) by the \_\_\_\_\_ and was deemed duly adopted on \_\_\_\_\_ 20\_\_\_\_, in accordance with the applicable provisions of law.  
*(Name of Legislative Body)*  
*(Elective Chief Executive Officer\*)*

**3. (Final adoption by referendum.)**

I hereby certify that the local law annexed hereto, designated as local law No. \_\_\_\_\_ of 20\_\_\_\_ of the (County)(City)(Town)(Village) of \_\_\_\_\_ was duly passed by the \_\_\_\_\_ on \_\_\_\_\_ 20\_\_\_\_, and was (approved)(not approved) (repassed after disapproval) by the \_\_\_\_\_ on \_\_\_\_\_ 20\_\_\_\_.  
*(Name of Legislative Body)*  
*(Elective Chief Executive Officer\*)*

Such local law was submitted to the people by reason of a (mandatory)(permissive) referendum, and received the affirmative vote of a majority of the qualified electors voting thereon at the (general)(special)(annual) election held on \_\_\_\_\_ 20\_\_\_\_, in accordance with the applicable provisions of law.

**4. (Subject to permissive referendum and final adoption because no valid petition was filed requesting referendum.)**

I hereby certify that the local law annexed hereto, designated as local law No. \_\_\_\_\_ of 20\_\_\_\_ of the (County)(City)(Town)(Village) of \_\_\_\_\_ was duly passed by the \_\_\_\_\_ on \_\_\_\_\_ 20\_\_\_\_, and was (approved)(not approved) (repassed after disapproval) by the \_\_\_\_\_ on \_\_\_\_\_ 20\_\_\_\_. Such local law was subject to permissive referendum and no valid petition requesting such referendum was filed as of \_\_\_\_\_ 20\_\_\_\_, in accordance with the applicable provisions of law.  
*(Name of Legislative Body)*  
*(Elective Chief Executive Officer\*)*

\* Elective Chief Executive Officer means or includes the chief executive officer of a county elected on a county-wide basis or, if there be none, the chairperson of the county legislative body, the mayor of a city or village, or the supervisor of a town where such officer is vested with the power to approve or veto local laws or ordinances.

**5. (City local law concerning Charter revision proposed by petition.)**

I hereby certify that the local law annexed hereto, designated as local law No. \_\_\_\_\_ of 20\_\_\_\_ of the City of \_\_\_\_\_ having been submitted to referendum pursuant to the provisions of section (36)(37) of the Municipal Home Rule Law, and having received the affirmative vote of a majority of the qualified electors of such city voting thereon at the (special)(general) election held on \_\_\_\_\_ 20\_\_\_\_, became operative.

**6. (County local law concerning adoption of Charter.)**

I hereby certify that the local law annexed hereto, designated as local law No. \_\_\_\_\_ of 20\_\_\_\_ of the County of \_\_\_\_\_ State of New York, having been submitted to the electors at the General Election of November \_\_\_\_\_ 20\_\_\_\_, pursuant to subdivisions 5 and 7 of section 33 of the Municipal Home Rule Law, and having received the affirmative vote of a majority of the qualified electors of the cities of said county as a unit and a majority of the qualified electors of the towns of said county considered as a unit voting at said general election, became operative.

**(If any other authorized form of final adoption has been followed, please provide an appropriate certification.)**

I further certify that I have compared the preceding local law with the original on file in this office and that the same is a correct transcript therefrom and of the whole of such original local law, and was finally adopted in the manner indicated in paragraph 1 above.

Aurora T. Tommasino  
Clerk of the county legislative body, City, Town or Village Clerk or officer designated by local legislative body

Date: May 17 2023

(Seal)